

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10-**

A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY FRANCHISE TO XO COMMUNICATIONS SERVICES, INC. PURSUANT TO TIGARD MUNICIPAL CODE SECTION 15.06.060.

WHEREAS, the Tigard Municipal Code ("TMC") Section 15.06.060 allows the City Council to grant a non-exclusive utility franchise to any person providing utility services which meets the requirements of the TMC; and

WHEREAS, XO Communications Services, Inc. was the parent company of NEXTLINK Oregon, Inc. and held a franchise agreement with the City from 5/4/00 through 5/4/10 at which time it expired with XO Communications continuing to pay franchise fees to the City after the franchise expired; and

WHEREAS, XO Communications Services, Inc. is now the provider of services in Oregon, has requested a new utility franchise and has met all necessary requirements in TMC Chapter 15.06; and

WHEREAS, XO Communications Services, Inc. has signed a standard Utility Franchise Agreement without modification.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: XO Communications Services, Inc. is hereby granted a non-exclusive utility franchise for a period of 10 years from the date of this action.

SECTION 2: The Mayor is authorized to execute the attached franchise agreement with XO Communications Services, Inc.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2010.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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